



J1042 U.S. PTO

02-06-02

A/
REISSUEPlease type a plus sign (+) inside this box →

PTO/SB/50 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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10/06/189
02/04/02

REISSUE PATENT APPLICATION TRANSMITTAL

Address to:

Assistant Commissioner for Patents
Box Reissue
Washington, DC 20231

Attorney Docket No. Bayer 6708.5-Rei
First Named Inventor Shiokawa et al.
Original Patent Number USP 4,849,432
Original Patent Issue Date (Month/Day/Year) 7/18/89
Express Mail Label No. EV 015943791.US

APPLICATION FOR REISSUE OF: Utility Patent Design Patent Plant Patent
(Check applicable box)

APPLICATION ELEMENTS (37 CFR 1.173)

1. Fee Transmittal Form (PTO/SB/56)
(Submit an original, and a duplicate for fee processing)
2. Applicant claims small entity status. See 37 CFR 1.27.
3. Specification and Claims in double column copy of patent format (amended, if appropriate)
4. Drawing(s) (proposed amendments, if appropriate)
5. Reissue Oath/Declaration (original or copy)
(37 C.F.R. § 1.175) (PTO/SB/51 or 52)
6. Power of Attorney and Associate Power of Attorney
7. Original U.S. Patent currently assigned? Yes No
(If Yes, check applicable box(es))
 - Written Consent of all Assignees (PTO/SB/53)
 - 37 C.F.R. § 3.73(b) Statement (PTO/SB/96)
 - CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
 - 9. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all of the following are necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i CD-ROM (2 copies) or CD-R (2 copies); or
 - ii paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

10. Statement of status and support for all changes to the claims. See 37 CFR 1.173 (c).
11. Original U.S. Patent for surrender (Tender of Offer)
 - Ribboned Original Patent Grant
 - Statement of Loss (PTO/SB/55)
12. Foreign Priority Claim (35 U.S.C. 119) (if applicable) in Declaration
13. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
14. English Translation of Reissue Oath/Declaration (if applicable)
15. Preliminary Amendment
16. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
17. Other: Letter.....

18. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label or Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Bruce S. Londa			
Address	Norris McLaughlin & Marcus, P.A.		220 East 42nd Street, 30th Floor	Zip Code
City	New York	State	NY 10017	Fax 212-808-0844
Country	U.S.A.	Telephone	212-808-0700	

NAME (Print/Type)	Bruce S. Londa	Registration No (Attorney/Agent)	33,531
Signature			Date 2-4-02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

J142 U.S. PTO
02/04/02

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$740.00

Complete if Known

Application Number	TBA
Filing Date	Concurrently Herewith
First Named Inventor	Kozo Shiokawa et al.
Examiner Name	TBA
Group Art Unit	TBA
Attorney Docket No.	Bayer 6708.5-Rei

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number **14-1263**
 Deposit Account Name **Norris, McLaughlin & Marcus**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee			
106 330	206 165	Design filing fee			
107 510	207 255	Plant filing fee			
108 740	208 370	Reissue filing fee	740.00		
114 160	214 80	Provisional filing fee			
SUBTOTAL (1)				\$740.00	

2. EXTRA CLAIM FEES FOR UTILITY AND

	Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/> -20** = <input type="text"/> 0	<input type="text"/> X <input type="text"/> = <input type="text"/> 0.00	
Independent Claims	<input type="text"/> -3** = <input type="text"/> 0	<input type="text"/> X <input type="text"/> = <input type="text"/> 0.00	
Multiple Dependent			

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20			
102 84	202 42	Independent claims in excess of 3			
104 280	204 140	Multiple dependent claim, if not paid			
109 84	209 42	** Reissue independent claims over original patent			
110 18	210 9	** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2)				\$0.00	

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath			
127 50	227 25	Surcharge - late provisional filing fee or cover sheet			
139 130	139 130	Non - English specification			
147 2,520	147 2,520	For filing a request for ex parte reexamination			
112 920*	112 920*	Requesting publication of SIR prior to Examiner action			
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action			
115 110	215 55	Extension for reply within first month			
116 400	216 200	Extension for reply within second month			
117 920	217 460	Extension for reply within third month			
118 1,440	218 720	Extension for reply within fourth month			
128 1,960	228 980	Extension for reply within fifth month			
119 320	219 160	Notice of Appeal			
120 320	220 160	Filing a brief in support of an appeal			
121 280	221 140	Request for oral hearing			
138 1,510	138 1,510	Petition to institute a public use proceeding			
140 110	240 55	Petition to revive - unavoidable			
141 1,280	241 640	Petition to revive - unintentional			
142 1,280	242 640	Utility issue fee (or reissue)			
143 460	243 230	Design issue fee			
144 620	244 310	Plant issue fee			
122 130	122 130	Petitions to the Commissioner			
123 50	123 50	Processing fee under 37 CFR § 1.17(q)			
126 180	126 180	Submission of Information Disclosure Statement			
581 40	581 40	Recording each patent assignment per property (times number of properties)			
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))			
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))			
179 740	279 370	Request for Continued Examination (RCE)			
169 900	169 900	Request for expedited examination of a design application			
Other fee (specify) _____					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

SUBMITTED BY

Name (Print/Type)	Bruce S. Linda	Registration No. (Attorney/Agent)	33,531	Telephone	212-808-0700
Signature	Feb. 4, 2002				

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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REISSUE APPLICATION FEE TRANSMITTAL FORM

Docket Number

Bayer 6708.5-Rei

Claims as Filed - Part 1

Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity	
				Rate	Fee	Rate	Fee
(A) 9	Total Claims (37 CFR 1.16(j))	(B) 9	**** 0 = x \$ 9 = \$0			x \$ 18 = \$0	
(C) 1	Independent claims (37 CFR 1.16(i))	(D) 1	* 0 = x \$ 42 = \$0	or		x \$ 84 = \$0	
Basic Fee (37 CFR				\$370		\$740	
Total Filing Fee				\$370		\$740	

Claims as Amended - Part 2

	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	*** 4	MINUS	** 20	* 0 = x \$ 9 = \$0			x \$ 18 = \$0	
Independent Claims (37 CFR 1.16(i))	*** 1	MINUS	***** 1	= 0 x \$ 42 = \$0			x \$ 84 = \$0	
Total Additional Fee				\$0		OR	\$0	

* If the entry in (D) is less than the entry in (C), Write "0" in column 3.

** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.

*** After any cancellation of claims.

**** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).

***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).

Applicant claims small entity status. See 37 CFR 1.27.

Please charge Deposit Account No. 14-1263 in the amount of \$740.
A duplicate copy of this sheet is

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 14-1263.
A duplicate copy of this sheet is enclosed.

A check in the amount of \$ _____ to cover the filing / additional fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

2-4-12

Date



Signature of Applicant, Attorney or Agent of Record

Bruce S. Londa

Typed or printed name

Bayer 6708.5-Rei-KGB
Nit 204-US Ba/lep

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : KOZO SHIOKAWA ET AL.
SERIAL NO. : Reissue Application of U.S. Patent 4,849,432,
Issued July 18, 1989
FILED : Herewith
FOR : HETEROCYCLIC COMPOUNDS
ART UNIT : To be assigned
EXAMINER : To be assigned

Box REISSUE

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

LETTER

Sir:

This is a reissue application based on U.S. Patent No. 4,849,432. A reissue application is already pending as Serial No. 08/254,202. The examiner has issued a restriction requirement in the pending reissue application. Accordingly, the present reissue application is necessary to cover subject matter which is considered non-elected in the pending reissue application. Further reissue applications are being filed simultaneously herewith, directed to different inventive groups. A reference to the further reissue applications will be added to the specification upon receipt of the serial numbers, pursuant to 37 CFR 1.177(a).

The present reissue application is restricted to the group in which X=CH-R³. The claims have been amended as shown in the attached copy of the patent. The amendments are as follows:

Claims 1 and 2 are amended, and claims 3-6 and 9 are canceled, to delete subject matter which does not relate to the situation in which $X=CH-R^3$.

As set forth in the copy of the reissue declaration from 08/254,202, an error in the original patent was found in claim 9 in that some species in which $A=$ propylene were outside the definition of claim 1; from which claim 9 ultimately depends. This divisional reissue application overcomes this error by deleting those species from claim 9.

As to the requested tender of offer of original patent, it is noted that there are now 5 pending reissue applications for the same patent. Therefore, the original patent can only be surrendered one time.

Whereby, favorable consideration is earnestly solicited.

Respectfully submitted,

NORRIS MC LAUGHLIN & MARCUS, P.A.

By 
Bruce S. Londa
Reg. No. 33,531

220 East 42nd Street
30th Floor
New York, NY 10017
(212) 808-0700

Bayer 6708-REI-LH:gf
Nit 204-US Yn/yn

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kozo Shiokawa, et al.
Serial No. : (Reissue Application of U.S. Patent
For : NOVEL HETEROCYCLIC COMPOUNDS
Art Unit : 129
Examiner : J. Turnipseed

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

OFFER OF TENDER OF ORIGINAL
PATENT 4,849,432 AND ORDER
FOR TITLE REPORT

Sir:

Pursuant to the Rules of Practice, applicant for reissue of U.S. Patent 4,849,432 hereby offers to tender the original deed to said U.S. Patent 4,849,432, when and if it appears that the reissue application will be allowed and will mature into a reissue patent.

Nihon Tokushu Noyaku Seizo K.K., the assignee of U.S. Patent 4,849,432, when it issued by change of name because Nihon Bayer Agrochem K.K. There is submitted herewith a certified copy of a document evidencing such change of name along with a certified translation thereof. The assignee of the instant patent, by the assignment recorded on February 24, 1987, at Reel 4694, Frame 892, hereby authorizes the preparation of a title report to be placed in

the file of this application reflecting ownership of U.S. Patent 4,849,432 for which reissue is sought.

Please charge any costs in connection with the title report to Deposit Account No. 02-1445.

Respectfully submitted,

SPRUNG HORN KRAMER & WOODS

By


Leonard Horn
Reg. No. 17,200

660 White Plains Road
Tarrytown, NY 10591-5144
(914) 332-1700

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Kozo Shiokawa et al.

Docket No.

Bayer 6708.5-ReiSerial No.
TBAFiling Date
Concurrently HerewithExaminer
TBAGroup Art Unit
TBAInvention: **Heterocyclic Compounds**

I hereby certify that the following correspondence:

Reissue Patent application Transmittal; specification and claims in double column format; copy of reissue declaration; associate power of attorney; copy of written consent of assignees; copy of Tender of Offer of original patent; information disclosure statement and letter*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

February 5, 2002*(Date)*
**Kathleen D. Monical***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***EV 015943791 US***("Express Mail" Mailing Label Number)*

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